

ಶ್ರೀ ಬಿ. ಕೆ. ನಾಗೂರು.—ನಾನು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತೇನೆ. ಯಾವ ಭಾಷೆಯಲ್ಲಿ ಪ್ರಾರಂಭ ಮಾಡಿದರೋ ಅದೇ ಭಾಷೆಯಲ್ಲಿ ಭಾಷಣವನ್ನು ಮುಗಿಸಬೇಕೆಂಬುದು ಇದೆ. ಒಪ್ಪೊಮ್ಮೆ "Speaker, Sir" ಎಂದು ನಡವಳಿಕೆ ಕೇಳುತ್ತಾರೆ. ಆ ನ ತರ ಅವರು ಯಾವ ಭಾಷೆಯಲ್ಲಿ ಭಾಷಣ ಮಾಡುತ್ತಾರೆ ನನ್ನವರನ್ನು ಹೇಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಆದುದರಿಂದ ನಾನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳಾದ ಶ್ರೀಮಾನ್ ಕವಿಬಾನ್ ಮಂಜಪ್ಪನವರನ್ನು ಅತಿ ವಿನಯದಿಂದ ಸಕ್ಕರೆಯನ್ನು ಕರೆಸಿದಂತೆ ಅತಿ ವಿನಯದಿಂದ ಕನ್ನಡದಲ್ಲಿ ಮಾತನಾಡಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

ಅಧ್ಯಕ್ಷರು.—ತಮಗೆ ಏನಾಗಿದೆ ಎನ್ನುವುದು ನನಗೆ ಗೊತ್ತು. ಅದರಿಗೆ ಇಂಗ್ಲಿಷು ಬಾರದಿದ್ದರೆ ಕನ್ನಡದಲ್ಲಿ ಮಾತನಾಡಬೇಕೆಂದು ಹೇಳುವುದು ನಾನು ಒಪ್ಪುತ್ತೇನೆ.

ಶ್ರೀ ಬಿ. ಕೆ. ನಾಗೂರು.—ನಾನು ಇಂಗ್ಲಿಷನ್ನು ಓದುತ್ತೇನೆ, ಬರೆಯುತ್ತೇನೆ, ಕನ್ನಡ, ಮರಾಠಿ ಮತ್ತು ಗುಜರಾತಿ ಭಾಷೆಗಳೂ ಬರುತ್ತದೆ. ತುಂಗನ್ನು ಕಲಿಸಲಿಕ್ಕೆ ಇದ್ದೇನೆ. ತಾವು ಇಷ್ಟು ತಿಳಿದುಕೊಂಡು ನನ್ನ ಮೇಲೆ ಈ ರೀತಿ ಹೇಳುವುದನ್ನು ನೋಡಿ ನನಗೆ ವ್ಯಸನವಾಗುತ್ತದೆ.

ಅಧ್ಯಕ್ಷರು.—ಅವರ ಇತಿಹಾಸ ನನಗೆ ಗೊತ್ತಿಲ್ಲವೆಂದು ಅವರು ತಿಳಿದುಕೊಳ್ಳಬಾರದು. (ನಗು).

ಶ್ರೀ ಬಿ. ಕೆ. ನಾಗೂರು.—ಇಂಗ್ಲಿಷಿನಲ್ಲಿ ತಮಗೆ ಎಷ್ಟು ಬರುತ್ತದೋ ಅಷ್ಟೂ ನನಗೆ ಗೊತ್ತಿದೆ.

Sri KADIDAL MANJAPPA.—Mr. Speaker, Sir, if I had known that it was the sense of the House that I should speak in Kannada yesterday, I would have certainly spoken in Kannada. I am certain that I am capable of making good Kannada speeches some times.

Sri C. M. ARUMUGHAM (K.G.F., S.C.).—Sir, the Members of the House should not refer to the gallery, whoever may be occupying it. We are adopting a strange convention here.

Mr. SPEAKER.—Yes.

Sri KADIDAL MANJAPPA.—Sir, when I was referring to the Report of the Joint Select Committee, some members raised some queries. They had not been concluded when the House rose. I suppose, there are no more queries with regard to the report.

Sri S. D. KOTHAWALE (Chikodi).—There are.

Sri KADIDAL MANJAPPA.—Either they may be raised now or after my speech.

ಶ್ರೀ ಜಿ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ನಿನ್ನೆಯ ದಿವಸ ಚಾನ್ ಹಾನ್ ನಲ್ಲಿ ಗ್ರಾಮಾಧಿಕಾರಿಗಳ ಸಮ್ಮೇಳನ ನಡೆಯಿತು. ಆ ಸಮ್ಮೇಳನದಲ್ಲಿ ಗ್ರಾಮಾಧಿಕಾರಿಗಳ ಒಗೆಗೆ ಒಂದು ರೆಸಲ್ಯೂಷನ್‌ನ್ನು ಮಾಡಿದ್ದಾರೆ. ಆ ರೆಸಲ್ಯೂಷನ್‌ನ ವಿಚಾರ ಸರಕಾರದ ಗಮನಕ್ಕೆ ಬಂದಿದೆಯೇ?

Sri KADIDAL MANJAPPA.—We are not concerned with that. There were some constitutional and local points raised and if the Chair permits, I will welcome any other point in regard to constitutionality or legality about the recommendation of the Joint Select Committee.

Sri S. D. KOTHAWALE.—On a point of procedure. I think, there will be very many queries. The Supreme Court Judgment has created many complications—legal and constitutional. The point is whether queries should be put after the Hon'ble Minister concludes the speech or in the course of the speech. Some procedure may be laid down, otherwise, much of the time would be taken away.

Mr. SPEAKER.—I think a peculiar situation has arisen. The Minister said that certain queries regarding legal and constitutional character were raised. They may be asked now, because they are very fundamental.

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ.—ಸ್ವಾಮೀ, ತಾವೇಗ ಮಾಡಿದ ಸಲಹೆಗಳಿಗಾಗಿ ನಾನು ಬಹಳ ಕೃತಜ್ಞನಾಗಿದ್ದೇನೆ. ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ರಾಜ್ಯಾಂಗ ಶಾಸನವು 310 ನೆಯ ಸೆಕ್ಷನ್ನನ್ನು ಸ್ವಲ್ಪ ಮೀರಿಲಿವೆ ಮಾಡಿದರೆ, ಈಗ ಜಾಯಿಂಟು ಸೆಕ್ರೆಟರಿ ಕಮಿಷನರಲ್ಲಿ ಬದಿರತಕ್ಕ ಎರಡು ಈ ರಾಜ್ಯಾಂಗ ಶಾಸನದಲ್ಲಿನ 310ನೇ ಸೆಕ್ಷನ್ನಿಗೆ ವಿರೋಧವಾಗಿವೆಯೇ ಇಲ್ಲವೇ ಎನ್ನುವುದನ್ನು ತಾವು ಪರಿಶೀಲನೆ ಮಾಡಲಿವೆ ಎಂದು ನಾನು ಸೂಚಿಸುತ್ತೇನೆ. ಇಲ್ಲಿರುವ ನಂಬರು ಬಹಳ ಬರಾರಾವೆಯಾಗಿದೆ ಎಂದು ಹೇಳುತ್ತಾರೆ. ಈ ಸೆಕ್ಷನ್ನಿನಲ್ಲಿರತಕ್ಕ ಹೆಡ್ಲಿಂಗನ್ನು ಓದಿದರೆ ಈ ನಂಬರಿನ ಬದಿರಾವಣೆ ಆಗಿರುವುದಕ್ಕೆ ತಿದ್ದುಪಡಿ ಮಾಡಿ ಲಭ್ಯವಾಗುವುದು. ಇದರಲ್ಲಿ.

Heading: Tenure of office of persons serving the Union or a State. ಎಂದಿದೆ.

ಇವರ -ದರೇ ಉಪ ಸೆಕ್ಷನ್ನಿನಲ್ಲಿ ಈ ರೀತಿ ಇದೆ :

310 (2) "Notwithstanding that a person holding a civil post under the Union or State holds office during the pleasure of the President or, as the case may be, of the Governor of the State, any contract under which a person, not being a member of a defence service or of an all-India service or of a civil service of the Union or a State, is appointed under this Constitution to hold such a post may, if the President or the Governor, as the case may be, deems it necessary in order to secure the services of a person having special qualification, provide for the payment to him of compensation, if before the expiration of an agreed period that post is abolished or he is, for reasons not connected with any misconduct on his part, required to vacate that post."

ನಾನು ಸರಕಾರ ಗುನಸ್ತೆ ತರತಕ್ಕದ್ದು ಈ ಸೆಕ್ಷನ್ನಿನಲ್ಲಿ ಇರತಕ್ಕಂತಹ ಕೊನೆಯ ಪಾಕ್ಯವನ್ನು ಅವರ ಗಮನಕ್ಕೆ ತರುತ್ತೇನೆ.

"For reasons not connected with any misconduct on his part, required to vacate that post."...

2-30 P.M.

ಸ್ವಾಮಿ, ಈ ಸಂಬಂಧವಲ್ಲಿ ಸುಪ್ರೀಂ ಕೋರ್ಟ್ ಎಂದು ತೀರ್ಮಾನವನ್ನು ಮಾಡಿದೆ. ಇದು ವರೆಗೂ ನಮ್ಮ ಈ ಹೆಡ್ಲಿಂಗ್ ಎರೇಜ್ ಆಫೀಸ್ಸ್ ಆಕ್ಟಿಂಗ್ ಪ್ರಾರ ನಮ್ಮ ಸಂಸ್ಥಾನದಲ್ಲಿ ಗ್ರಾಮಾದಿಗಳ ಹುದ್ದೆಗಳು ನ.ವಂಶಿಕವಾದ ಹುದ್ದೆಗಳೆಂದು ಪರಿಗಣಿಸಲ್ಪಟ್ಟಿತ್ತು. ಈಗ

(ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ)

ಅರಿತಿ ಇಲ್ಲವೆಂದು ಹೇಳಿದ್ದಾರೆ. ಬಹುಶಃ ಅದು ಯಾವ ಸಂದರ್ಭದಲ್ಲಿಯೇ ಉದ್ಭವವಾಗಿರಲಿ ಅನುವಂಶಿಕ ಹುದ್ದೆಯೆಂದು ಒರಿಗಣಿಸಬಹುದೇ ಇರುವಾಗ, ಆ ಸ್ಥಾನ ಕಾಲಯಾಧಾರ್ಗ ಅದನ್ನು ಭರ್ತಿ ಮಾಡುವ ಒಂದು ಪ್ರಶ್ನೆ ಬರುತ್ತದೆ. ಆ ಸ್ಥಾನದಲ್ಲಿ ಹಿಂದೆ ಕೆಲಸ ಮಾಡುವವನ ಮಗ, ವೇಷ್ಯುಗ ಇವರಿಗೆ ತನ್ನ ಹಕ್ಕು ದಲಿಕೆಯ ಮೇಲೆ ನೇಮಿಸಬಹುದೇಕೆಂದು ಸರ್ಕಾರವರನ್ನು ಒತ್ತಾಸುವುದಾದರೂ ಹಕ್ಕು ಈಗ ಇರುವುದಿಲ್ಲ. ಅಂದೇಕೆ ಅದು ಅನುವಂಶಿಕ ಹುದ್ದೆಯಲ್ಲ ಎಂದು ಹೇಳುವಾಗ ಆದರ ಪರಿಣಾಮ ಆದ್ದೇ ಎಂದು ನಾನು ಭಾವನೆ ಮಾಡಿದ್ದೇನೆ. ಒಂದು ವೇಳೆ ಅವರನ್ನು ಅನುವಂಶಿಕ ಹುದ್ದೆ ಅಲ್ಲದಿದ್ದರೆ ಮಾನ್ಯರು ತ್ರಿಗಳು ನಿನ್ನೆ ಈ ವಿಲೇಜ್ ಆಫೀಸುಗಳು ಒಂದು ವಿಧದಲ್ಲಿ ಸರ್ಕಾರಿ ನೌಕರರು, ಮತ್ತೊಂದು ವಿಧದಲ್ಲಿ ಸರ್ಕಾರಿ ನೌಕರರು ಅಲ್ಲ ಎಂದು ಒಕ್ಕ ಹೇಳಿದರು ಎಂದು ನಾನು ಪ್ರಶ್ನೆ ಮಾಡುತ್ತೇನೆ. ಇವರ ಮೊದಲ ಸಂದರ್ಶನ ಸರ್ಕಾರ ಅಧೀನದಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಾ ಸರ್ಕಾರದ ಕೆಲಸವನ್ನೇ ಮಾಡಿಕೊಂಡು ತಿದ್ದಾರೆ. ಅವರು ಸರ್ಕಾರದ ಅಂಗವಾಗಿರುತ್ತಾ ಈ ಒಂದು ಹುದ್ದೆಯಲ್ಲಿ ನೇಮಕವಾಗಿರುತ್ತಾರೆ. ನಿಮ್ಮ 310 (2)ರಲ್ಲಿ ಇರುವ ಪ್ರಕಾರ ನಿರ್ದಿಷ್ಟವಾದ ಅಗ ಇವೇಕೆಂದು ನನ್ನ ಭಾವನೆ. ಅವರಿಗೆ ಅವರನ್ನು ನೇಮಕ ಮಾಡುವ ಅಧಿಕಾರವಿರುವಾಗ ಅವರ ಅಧಿಕಾರವನ್ನು ರದ್ದುಮಾಡುವ ಅಧಿಕಾರವೂ ಇದೆ. ಆದ್ದರಿಂದ ಈ ಹುದ್ದೆಗಳನ್ನು ರದ್ದುಮಾಡುವ ಪರಿಣಾಮವಾಗಿ ಅವರಿಗೆ ನಿಜವಾಗಿ ಹಕ್ಕು ಇದೆಯೇ ಎಂಬುದನ್ನು ಪರಿಶೀಲನೆ ಮಾಡಬೇಕು. ಅದನ್ನು ಪರಿಶೀಲನೆ ಮಾಡುವಾಗ ಈ ಪ್ರಸಂಗದಲ್ಲಿ ಕೂಟಿರುವ ಕೊರತೆಯ ವ್ಯಕ್ತವನ್ನು ಒಬ್ಬ ತಿಳಿದುಕೊಳ್ಳುವುದು ಒಳ್ಳೆಯದು ಎಂದು ನಾನು ಭಾವನೆ ಮಾಡುತ್ತೇನೆ.

“a...as the case may be deemed to be necessary in order to secure the services of a person having special qualifications provided...”

ಈ ಹುದ್ದೆಗಳಿಗೆ ಈಗ ಬರೀ ಪರಿಣತರಾದವರನ್ನು ನೇಮಿಸುವ ಉದ್ದೇಶವಿಂದ ಈಗ ಈ ಹುದ್ದೆಗಳನ್ನು ರದ್ದುಮಾಡಿದರೆ ಸರ್ಕಾರವೂ ಈ ನೌಕರರಿಗೂ ಒಪ್ಪಂದವಾಗಿರುವ ಪಕ್ಷದಲ್ಲಿ ಆ ಕಾರಿನ ಅವಧಿಗೆ ಮುಂಚೆಯೇ ಅವರನ್ನು ಒಬ್ಬ ಮಾಡಿರುವುದರಿಂದ ಅವರಿಗೆ ಕಂಪನ್‌ಸೇಷನ್ ಕೊಡಬೇಕು. ಆದ್ದರಿಂದ ಆರಂಭಿಕ ಇಲ್ಲದೇ ಇರುವುದರಿಂದಲೇ ಇದರಲ್ಲಿ ಮುಂದೆ ಹೇಳಿರುವುದು ಬರುತ್ತದೆ. ಅದು ಈ ರೀತಿ ಇದೆ.

“He is for reasons not connected with misconduct on his part required to vacate his post...”

ಈಗ ಒಂದು ವಿಷಯ. ಈಗ ಅವರನ್ನು ಮಿಸ್-ಕಾಂಡಕ್ಟ್‌ನಿಂದ ಅಥವಾ ಕೆಲಸವನ್ನು ತಪ್ಪಿ ಕರವಾಗಿ ಮಾಡಲಿಲ್ಲ ಎನ್ನುವ ಕಾರಣದಿಂದ ಈ ಹುದ್ದೆಗಳಿಂದ ತೆಗೆದುಹಾಕುತ್ತಾ ಇಲ್ಲ. ಈಗ ಈ ಆಫೀಸುಗಳನ್ನು ಪುನರ್ವ್ಯವಸ್ಥೆ ಮಾಡಬೇಕು. ಒಂದು ಸ್ಥಳದಿಂದ ಇನ್ನೊಂದು ಸ್ಥಳಕ್ಕೆ ಒಬ್ಬ ರಾಜಕೀಯಾಧಿಕಾರಿ ನೌಕರರಾದರೂ ಕೆಲಸ ಮಾಡುವುದಕ್ಕಾಗಿ ಎಂದು ವ್ಯವಸ್ಥೆಯನ್ನು ಮಾಡಲು ಈಗ ರಿ-ಆರ್ಗನೈಜ್ ಮಾಡುತ್ತಿದ್ದಾರೆ. ಹೀಗೆ ಪುನರ್ವ್ಯವಸ್ಥೆ ಮಾಡುವಾಗ ಈ ನೌಕರರ ಸ್ಥಳದಿಂದ ಉದ್ಯೋಗಸ್ಥರಿಗೆ ತಮ್ಮ ಹುದ್ದೆಗಳನ್ನು ಒಬ್ಬ ಮಾಡುತ್ತಿದ್ದರೆ ಇಲ್ಲಿ ಕಂಪನ್‌ಸೇಷನ್ ಕೊಡಬೇಕು ಎನ್ನುವ ಅರ್ಥ ಬರುವ ಹಾಗೆ ಇದೆ. ಸರ್ಕಾರವರು ಆ ರೀತಿ ಅರ್ಥ ಬರುವ ಹಾಗೆ ಹೇಳಿದ್ದಾರೆ. ಕೆಲವು ವಾಕ್ಯಗಳನ್ನು ಇಲ್ಲಿ ಸೇರಿಸಿ ಕಂಪನ್‌ಸೇಷನ್ ಅವರಿಗೆ ಕೊಡಬೇಕು ಅವರನ್ನು ಕಳುಹಿಸಬೇಕು ಎಂದು ಅರ್ಥ ಬರುವ ಹಾಗೆ ಮಾಡಿದ್ದಾರೆ. ಕೆಲವು ಸ್ಥಾನಗಳು ಒಂದಕ್ಕೊಂದು ಸಮನೆಯವಾಗುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಅವನ್ನೆಲ್ಲಾ ಸಮನೆಯ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವಿರುವುದಿಲ್ಲ.

ಸರ್ಕಾರದವರು ವಿಶದೀಕರಿಸಿದರೆ ಮುಂದಿನ ಚರ್ಚೆಗೆ ಅನುಕೂಲವಾಗುತ್ತದೆಂದು ನಾನು ಭಾವಿಸಿ ಮಾತುಕೊಳ್ಳೆನೆ.

Mr. SPEAKER.—Before we proceed with the discussion, the objection raised by my friend Sri K. Puttaswamy is about compensation. He has no objection so far as the abolition of the hereditary rights of the posts is concerned.

Sri K. PUTTASWAMY.—The point that I raised is fundamental to the Bill. The report says that we need not pay compensation because it is not a hereditary office. Section 300 contemplates payment of compensation. I wanted to know whether there is any conflict between the two. If there is no conflict, then we can take into consideration the bill on merits. If there is a conflict, Government must tell us as to what we should do.

Mr. SPEAKER.—If the view point of Sri Puttaswamy is upheld it only means that the hereditary officers will get compensation when they are abolished. That means, Sri Puttaswamy may bring such an amendment.

Sri K. PUTTASWAMY.—Even if they are not considered to be hereditary offices.

Mr. SPEAKER.—They are not hereditary offices according to the Supreme Court. But under 310 they are entitled to compensation. In that case he may bring an amendment.

Sri K. PUTTASWAMY.—I did not raise it as an objection. I wanted the Minister to clarify the point.

Sri S. D. KOTHAVALA.—Sir, after the judgement of the Supreme Court it appears there is nothing to be abolished. The bill was introduced in the first instance for the purpose of abolishing hereditary offices. Now, the Supreme Court says that the hereditary offices is inconsistent with the provisions of article 16 of the Constitution and hence it has become illegal. Therefore by the operation of the Constitution itself the hereditary offices have been abolished. The question therefore arises whether a bill of this nature is necessary now. If we see to the various provisions of the bill it appears that we are not abolishing village offices as such. The purpose was to abolish the hereditary character of the village office, not the village office itself. The bill says that in the place of the hereditary village office, provision has been made for the appointment of stipendiary offices and this has been achieved by making provision for making an amendment in the Bombay, Mysore, Hyderabad and Madras Land Revenue Codes and the corresponding law of Coorg. What are we doing now? We are not abolishing the village offices. They are retained. We wanted to abolish the hereditary offices and they now stand abolished by the operation of the Constitution. I very much doubt whether the present bill serves any purpose. Another bill with proper provisions should be brought for the purpose of making alternative appointments.

(SRI S. D. KOTHAVALA)

What is the position of the village offices now ? The village officers have no de jure position at present. Their position is utmost defacto. Whether that position has been legalised by Government in allowing them to function after the Constitution is another point to be dealt with. I very much doubt if this bill is necessary for the abolition of such office. This point strikes at the very root of the bill. The minister in-charge may clarify this point.

MR. SPEAKER.—Does he mean to say that the Supreme Court has abolished the hereditary offices if they have held that the village offices are not hereditary ?

SRI S. D. KOTHAVALA.—The Supreme court has held sir that article 16 of the Constitution has made provision against the creation of hereditary offices. Therefore they have held that hereditary offices as such are illegal. They have held that no office can be held hereditarily. Hereditary character is illegal. It is their conclusion. By the present Bill, we have provided for the appointment of village officers on stipendiary basis so as to remove the hereditary character of the whole thing.

†SRI V. P. DEENADAYALU NAIDU.—I wish to draw a very clear distinction in this case. What is contemplated by the decision of the Supreme Court, if I understand correctly is with regard to the office as such—holding of the office which is different from the incumbent occupying it,—hereditary nature, whether that is legal or otherwise. That is one thing. Once the Supreme Court gives a decision, it is not correct for anybody to harp on that question and even if we were to say that it does not force any legal binding, it has no effect.

†Now we come to the question of incumbents—persons holding that office. What is to happen to them if this decision of the Supreme Court automatically takes away all these offices ? With respect I say, it does not. Therefore, the question arises whether it would be correct for us to say that there is no compensation, attributed to these posts and if that question of compensation is not contemplated by the measure that we are going to pass in this House, I think we will be doing great injustice. It may also border on illegality. Therefore, please take all aspects of the question very carefully into consideration. There is not much force in our trying to go over and over again about the hereditary nature. It has been held and it has been decided. There cannot be any going behind it. I would like to ask our Hon'ble Revenue Minister here whether he is going to take up the question of compensation. I for one feel very strongly that the word is not to be found here in the measure that we are going to discuss. So, I ask what is the compensation, whether he is going to decide the question of compensation or not, whether he is opposed to the very word compensation being incorporated. From what I see Sir, he is not bothered about the question of Compensation. Perhaps he is averse to the very word compensation. We most of us, differ and differ at a tangent. Therefore,

he must clarify the position whether he is going to decide in favour of compensation or not and convince us whether what he is going to decide is also a correct method. Then only we will be convinced.

Secondly, if that question of compensation has had to be taken into account, we feel that naturally the whole Bill and the Select Committee report will have to undergo drastic changes and it goes to the very root of the question. Whether it would be worth while for this House to continue debate and discussion on the Bill that is placed before us. That also will have to be considered by the Chair Sir.

I very earnestly appeal to you Sir, that unless the Hon'ble Minister takes a very clear decision on this matter of payment of compensation and what should be the compensation, I think you will have to very seriously consider the question. So far as we are concerned, as I feel convinced that compensation will have to find a place and a reasonable place and also with regard to the quantum that we are going to give to the incumbents whom we will be displacing.

There is another aspect of the matter. If the question of removing or bringing about accession of the incumbents.....

Sri KADIDAL MANJAPPA.—Should it assume the shape of a speech at this stage Sir? I thought it was merely a point for clarification.

Sri V. P. DEENADAYALU NAIDU.—It is not so simple Sir. When there are matters which are likely to uproot the very Bill itself, what is the use of saying yes or no.

Sri KADIDAL MANJAPPA.—On a point of order. You were pleased to ask the Hon'ble Members whether there are any clarifications to be given with regard to the constitutionality or legality of the provisions contained in the amended Bill. The Hon'ble Member is making a speech. That opportunity can be availed of at a later stage.

Mr. SPEAKER.—The arguments advanced by the Hon'ble Member are as to the constitutionality of the Bill itself. That is what I understand—including the feasibility or non-feasibility of compensation.

Sri V. P. DEENADAYALU NAIDU.—I do not wish to make any speech on that. Now it comes to the very root of the question. It uproots the very principles adumbrated in the Bill which the Hon'ble Revenue Minister is trying to introduce. And therefore we say that the financial statement and the memorandum is necessary to give it a shape. Secondly, even with regard to bringing about an amendment, the very question of compensation is not contemplated here. When we take up these matters—they are of prime importance to this Bill, the Revenue Minister will have to seriously consider whether we should proceed with this Bill or whether it requires any little modification or a re-reference to the select Committee.

†Sri C. M. ARUMUGHAM (K.G.F.).—Mr. Speaker, Sir, I endorse the opinion of my friend Shri K. Puttaswamy. According to the Supreme Court decision, if these offices are not hereditary, then these patels and

(Sri C. M. ARUMUGHAM)

shanubhognes are not eligible for compensation. The Supreme Court itself says that these are appointments of the State. It says that they come under the appointments of the State. I read the operative portion of the decision of the Supreme Court :

The appointment is made by the Collector. Emoluments are granted or continued by the State. The Collector has disciplinary powers over the village munsiff including the power to remove, suspend or dismiss him, the qualification for appointment can be laid down by the Board of Revenue all these show that the office is not a private office under a private employer, but is an office under the State."

It however says, it is not hereditary. To quote further :

"Where the history of the Office of karanam was examined and it was observed that the karanam of the village occupies his office not by hereditary or family right, but as personal appointed, though in certain cases that appointment is primarily exercised in favour of a suitable person who is a member of a particular family."

Now we must decide the point. If you call the village officers, hereditary officers, under article 310 of the Constitution, they will be eligible for compensation much against the decision of the Supreme Court.

If you act according to the decision of the Supreme Court.

Sri V. P. DEENADAYALU NAIDU.—Why do you say : 'much against the supreme court decision' ? I have not touched on that aspect. It is entirely for the Supreme Court.

Sri C. M. ARUMUGHAM.—Now we are bound by the decision of the Supreme Court. If there is a dispute, the Supreme Court gives its verdict. They have held that these appointment are appointments under the State. It is an office of profit. Sr, under the workmen's compensation Act and the Industrial Disputes Act, the employees of the State are eligible for compensation. It is not ex-gratia grant of Rs. 100. I want the Hon'ble Minister to consider whether it is a hereditary office and whether there must be compensation paid to these village officers.

ಶ್ರೀ ಸಿ. ಬಿ. ನಿರ್ಮಲಾಚಾರ್ಯ (ಮುಂದೊಬ್ಬರು).—ನಾನೀಗವೇಳುತ್ತಿರುವುದು ಈ ಬಾರಿಯ ಪ್ರಕಾರ ಮೈಸೂರು ಮತ್ತು ಬೆಂಗಳೂರು ಹೈಕೋರ್ಟ್‌ಗಳ ತೀರ್ಮಾನ ಪ್ರಕಾರ ಪೂರ್ವ ಕಂದಾಯ ಕೊಠಡಕ್ಕೆ ಸಂದರ್ಭ ಕೆಲವು ಕೆಳಗೆ ಮಾತ್ರ ಇದ್ದು ಸ್ಥಳೀಯರಾಗಿದ್ದು ಕೆಲವು ಕಡೆಯಲ್ಲಿ ಪೂರ್ವಕಂದಾಯ ಹಂಕಿರಾರ್ ; ಅವರ ಜಮೀನುಗಳಿಗೆ ಅದರ ಮಾಲ್‌ಕಾರರಿಗೆ ಕೊಟ್ಟಿದ್ದು ಜಮೀನುಗಳೆಂದು ಇನ್ನು ಅವರು ತಾವಾದರೇ ಇರುತ್ತವೆ. ಈ ಜಮೀನುಗಳು ಅವರ ತಾವಾದರೇ ಇರಲಿಕ್ಕು, ಅವರು ಕಂದಾಯವನ್ನು ಮಾತ್ರ ಸರ್ಕಾರಕ್ಕೆ ಕೊಡಬೇಕು ಎಂಬುದಾಗಿ 1910ರಲ್ಲಿ ಬೆಂಗಳೂರು ಹೈಕೋರ್ಟ್‌ನಲ್ಲಿ ತೀರ್ಮಾನವಾಗಿತ್ತು. ಈ ತೀರ್ಮಾನದ ಪ್ರಕಾರ ಈ ದಿವಸ ಆ ಮಾಲ್‌ಕರ್ ಆ ಜಮೀನುಗಳಲ್ಲಿ ಅಂದರೆ ಅವರ ತಾವಾದರೇ ಇದ್ದು ಜಮೀನುಗಳಲ್ಲಿ

ಅವರೇ ಮಾಲೀಕರಂತೆ ತೀರ್ಮಾನವಾಗಿದೆ. ಈಗ ಅವರಿಂದ ಆಕೃಷ್ಯವೇನಿ ಪ್ರೈಜ್ ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದಿದ್ದಾರೆ. ಇದು ಸರಿಯೇ ಎಂಬತಕ್ಕ ಬಗ್ಗೆ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು, ಸ್ವಲ್ಪ ವಿವರಣೆ ಕೊಡಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

†Sri KADIDAL MANJAPPA (Minister for Revenue).—Sir, I have listened to the Hon'ble Members. One Hon'ble Member wanted me to explain why there is need to abolish the hereditary village offices which are no longer hereditary in the light of the Supreme Court decision. No doubt, the Supreme Court has held that the hereditary principle adopted for appointing village officers is in conflict with article 16 of the Constitution, but there are other provisions like the provision relating to emoluments, control, disciplinary actions functions of the village officers, etc. Unless those enactments referred to in Schedule I to the Bill are repealed, we will not be able to appoint full-time Government servants to discharge the duties of the office contemplated in the Land Revenue Code. In spite of the decision of the Supreme Court the other provisions will continue to be there in the several enactments in respect of recruitment and other matters relating to village offices. Therefore there is need for repealing the enactments mentioned in Schedule I. There is also need to appoint full-time Government servants. Therefore this Bill is necessary.

The other query raised was whether article 310 does not provide for the payment of compensation to the hereditary village officers who are going to be sent home on account of this Bill. The Hon'ble Members Sri Puttaswamy and Sri Arumugham raised this query. Article 310(2) refers to those persons who enter into service under a contract. In the case of village officers there is no such contract.

Sri B. SHAMSUNDER.—These village officers are working under a contract according to the customs and their hereditary rights. In the Civil Procedure Code the rights of these people are treated as hereditary rights and as property rights. So they are under a contract since centuries.

Sri KADIDAL MANJAPPA.—Their appointment is not governed by any contract. Their appointment is governed by definite enactments and the rules made there under.

Sri B. SHAMSUNDER.—Those are the contracts.

Sri Y. VEERAPPA.—The terms of the sanad issued contemplate that there is a contract.

Sri B. SHAMSUNDER.—If you go through the contracts made between the village officers any the kings of the old days, you will come to know that there were contracts between not only village officers, but also of shanubhagues, talwaris, totis and even the kings and accordingly firmans also had been issued.

Mr. SPEAKER.—We had better continue after recess. The House now rises and will meet after half-an-hour.

*The House adjourned for Recess at Three of the Clock and reassembled at Thirtynine Minutes past Three of the Clock.*



(Mr. DEPUTY SPEAKER in the Chair)

### MEMBER'S REPRESENTATION

ಶ್ರೀಮತಿ ಬನವರಾಜೇಶ್ವರಿ.—(ಮಾನ್ಯ) ಅಧ್ಯಕ್ಷರೇ, ನಾಳೆಯ ದಿನ ಬನವ ಜಯಂತಿ ಪ್ರಯುಕ್ತ ಹಿಂದೂ ರಜಾ ದಿನವಾಗಿದೆ. ಅದುದರಿಂದ ಈ ಸಭೆ ನಾಳೆಯ ದಿನ ಬೆಳಗ್ಗೆ ಸೇರುವಂತೆ ಮಾಡಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸುತ್ತೇನೆ.

ಉಪಾಧ್ಯಕ್ಷರು.—ಅಗಬಹುದು.

### MYSORE HEREDITARY VILLAGE OFFICES ABOLITION BILL, 1959, AS REPORTED BY JOINT SELECT COMMITTEE.

*Motion to consider*

*Debate—(contd.)*

†Sri KADIDAL MANJAPPA.—Sir, the Recruitment and Conditions of Service of persons serving in the Union or the State are governed by the Rules framed under article 309 of the Constitution. The same article says that the person who holds the office either in the Union or in the State, holds the office during the pleasure of the President or during the pleasure of the Governor. Article 310 (2) is an explanation which provided for payment of compensation in cases of premature termination of services provided there was a contract to that effect. I read Basu's Constitution of India on this article.

Though all services in Government is terminable, at any time the present clause provides for payment of contract which provides for such compensation where the service is terminated before the expiry of the contractual period."

Sir, yesterday Sri Puttaswamy asked whether the hereditary village officers are Government servants. Sir, they are not Government servants who are governed by the Mysore Civil Service Rules which are framed under article 309 of the Constitution. He asked me that when labourer is discharged, he is entitled to some compensation and that being the case, why compensation is not paid to these officers, whose services are going to be terminated on account of this Bill. Sir, the conditions under which the Labour is appointed is incorporated in the Labour Act, providing for payment of compensation and gratuity. It is not an arbitrary payment of compensation when a person is discharged prematurely. Similarly, when a Government servant is retired prematurely, he is entitled to compensation according to Mysore Civil Service Rules. The village officers are not Government servants and are not governed by such rules. They are governed by the several enactments mentioned in Schedule I in the Bill.

Sri M. C. NARASIMHAN.—Sir, so far as workmen under the private undertakings are concerned, it is incorporated in the statute since somewhere 1951. Prior to 1951 there was no statute and no contract